

STATUTORY RULES OF NORTHERN IRELAND

2010 No. 64

The Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland) 2010

[^{F1}PART 3

WASTE MANAGEMENT PLAN

F1 Regulations revoked (with savings) (1.4.2015) by The Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland) 2015 (S.R. 2015/85), reg. 24(1) (with regs. 5(1), 24(2)(5))

Preparation and submission of a waste management plan

6.—(1) A plan for the minimisation, treatment, recovery and disposal of extractive waste which takes account of the principle of sustainable development (a “waste management plan”) shall be submitted to the Department.

(2) The waste management plan shall satisfy the objectives in Schedule 1 and shall include the following information—

- (a) the identity of the operator;
- (b) the actual, or proposed location of the extractive waste site or the waste facility, including in respect of a waste facility any possible alternative locations;
- (c) sufficient information and identification to enable the Department to evaluate the operator’s ability to meet the objectives of the waste management plan, as detailed in Schedule 1, and explaining in particular how the option and method chosen as detailed in paragraph 1(a) of Schedule 1 will fulfil those objectives;
- (d) the class, in accordance with paragraph (3), into which the operator considers the site or facility falls, with appropriate assessment to allow the Department to consider whether it agrees with that classification, including an identification of possible accident hazards;
- (e) waste characterisation in accordance with Schedule 2 and a statement of the estimated total quantities of extractive waste to be produced during the operational phase;
- (f) a description of the operation generating such waste and of any subsequent treatment to which it is subject;
- (g) a description of how the environment and human health may be adversely affected by the deposit of such waste and the preventative measures to be taken in order to minimise environmental impact during operation and after-closure, including the aspects referred to in regulation 9(1)(a), (b), (c), (d)(i), (e) and (f) and 9(2);
- (h) whether or not the operator intends to place extractive waste into excavation voids for rehabilitation and construction purposes (whether the voids were created through surface

or underground extraction) and, if such placing is intended, details of the proposed control and monitoring procedures—

- (i) to secure the stability of the extractive waste in accordance with regulation 9(1)(a), (b), (c), (d)(i), (e) and (f) and 9(2); and
 - (ii) to prevent the pollution of soil, surface water and groundwater in accordance with regulations 10(1)(a), (b) and (c) and 10(3);
 - (i) the proposed plan for closure, including rehabilitation, after-closure procedures and monitoring as provided for in regulations 11 and 12;
 - (j) measures for prevention of water status deterioration in accordance with Directive [2006/60/EC](#) and for the prevention or minimisation of air and soil pollution in accordance with regulation 10;
 - (k) if classified as a waste facility, a survey of the condition of the land affected or to be affected by it.
- (3) The options for the proposed classification are—
- (a) an extractive waste site;
 - (b) a waste facility; or
 - (c) a Category A waste facility (in accordance with Schedule 3).

(4) Where the facility is classified as a Category A waste facility, the waste management plan shall include a document demonstrating that a major accident prevention policy, a safety management system for implementing that policy and an internal emergency plan, all as described in regulation 13, are in effect or will be put into effect in accordance with that regulation prior to the commencement of operations.

(5) A waste management plan in respect of a planning permission to which regulation 4(c) applies shall be submitted to the Department on or before 1st November 2011.

(6) The waste management plan shall be reviewed and amended as appropriate and submitted to the Department no later than the fifth year after the date on which the planning permission was granted or the plan was approved, as the case may be, and thereafter no later than every fifth year following the date of the last review.

(7) The waste management plan shall, in the event of substantial changes to the operation of the waste facility or to the waste deposited, be amended as appropriate and any such amendments shall be submitted to the Department.

Consideration and approval of a waste management plan

7.—(1) Where a waste management plan is submitted to the Department in respect of a planning permission to which regulation 4(c) applies, the Department shall—

- (a) publish notice of the waste management plan in at least one newspaper circulating in the locality in which the land to which the plan relates is situated;
- (b) where it maintains a website for the purpose of advertisement of applications for planning permission, publish the notice on that website;
- (c) await the expiration of 14 days from the date on which the notice is first published in a newspaper in pursuance of sub-paragraph (a) or is first published on the website in pursuance of sub-paragraph (b), whichever is the later, before it considers whether or not to approve the waste management plan; and
- (d) consult the public concerned and, in considering whether or not to approve the waste management plan, shall take into account any comments made by the public concerned.

(2) The Department may—

- (a) refuse to approve a waste management plan; or
- (b) approve a waste management plan;

but it may not approve a waste management plan unless it is satisfied that—

- (i) the objectives of the waste management plan will be met, taking account of the extent to which compliance will be secured through other national or Community legislation;
- (ii) the conditions of the planning permission set out in these Regulations can be expected to be complied with, as appropriate;
- (iii) the waste management plan is appropriate to the category into which it considers the site or facility falls; and
- (iv) where the plan relates to a Category A waste facility, major accident hazards are identified and the necessary features are incorporated into the design, construction, operation and maintenance, closure and after-closure of the waste facility in order to prevent such accidents and to limit their adverse consequences for human health and the environment including any transboundary impacts.]

Changes to legislation:

There are currently no known outstanding effects for the The Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland) 2010, PART 3.